

Remarks/Arguments

A. Summary of Claims

No claims have been amended, added, or canceled. Claims 1-64 are pending, with claims 62-64 being designated as “withdrawn” at this time.

B. Comments Concerning the Issuance of Multiple Species Election Requirements

Applicant is frustrated with the way this case is being handled. This case was filed with the U.S. Patent Office over four years ago on March 17, 2004. A Restriction and Species Election Requirement was mailed on January 10, 2008. In response, Applicant elected Group I and species A) with traverse.

Given that it has been over four years since this application was filed and given that Applicant made the required elections to move this case towards the substantive examination phase, Applicant expected to receive either a Notice of Allowance or a substantive office action. Instead, a second Restriction and Species Election Requirement was mailed on June 2, 2008. This second Requirement maintains the original restriction between Groups I and II, withdraws the original species election requirement (which was directed to the two corona head and single corona head embodiments), and presents a completely different species election requirement concerning the material of the end portions of the lens holder.

This second Species Election Requirement could have been issued in the January 10, 2008 Requirement given that the claims that are currently pending were also pending on January 10, 2008. Indeed, Applicant made no amendments to the claims in its response to the first Requirement. Applicant is concerned that this application is being subjected to piecemeal examination which should be avoided. *See* MPEP § 707.07(g).

Therefore, Applicant requests that substantive examination of this case begin immediately. Applicant also intends to request a patent term extension that is commensurate in

scope with the delays that this application has been subjected to upon the issuance of a corresponding patent.

C. Response to Restriction Requirement

Applicant again elects Group I (*i.e.*, claims 1-61) with traverse. The arguments provided in Applicant's previous response filed on February 11, 2008, are incorporated by reference. These arguments are sufficient to have the restriction between Groups I and II withdrawn. Applicant also provides the following additional arguments.

The Examiner takes the position that "the system as claimed is indeed capable of being used to coat different substrates than just lenses, of which semiconductor wafers are a valid example...." Requirement at page 2. Applicant respectfully disagrees.

A semi-conductor wafer is not a valid example of a substrate prone to be coated with the device claimed in claim 62. Applicant's claimed system is limited to a lens carried by a lens holder and not a semi-conductor wafer carried by a semi-conductor wafer holder. Indeed, the device of claim 62 comprises parts especially dedicated to the handling of lenses, which implies corresponding structural limitations. These implicit structural limitations are such that the device of claim 62 is completely unable to be used to coat semiconductor wafers—*i.e.*, Applicant's claimed holder is suitable to hold an ophthalmic lens (which tend to be millimeter-thick articles) and not a semi-conductor wafer (which tend to be micrometer-thick articles). A same device could not be industrially used to equally coat lenses and semi-conductor wafers. Lenses and semi-conductor wafers are objects having so different sizes and mechanical properties (rigidity, resistance, *etc.*) that those skilled in the art would easily recognize that two different devices are needed.

Applicant requests that the restriction between Groups I and II be withdrawn.

D. Response to the Species Election Requirement

As noted above, the original species election requirement to the two corona head/one corona head embodiments are withdrawn. The Examiner now requests an election of species based on the material of the end portions of the lens holder as follows:

5. This application contains claims directed to the following patentably distinct species of the material of the end portions of the lens holder: 1) polyacrylonitrile-butadiene-styrene (ABS), 2) polyoxymethylene homopolymers (POMH), 3) polyoxymethylene copolymers (POMC), 4) cellulose acetate (CA), 5) cellulose acetate butyrate (CAB), 6) polyamides, 7) polyetherimides (PEI), 8) polymethyl methacrylates (PMMA), 9) polyaramides, 10) aluminum, 11) stainless steel, 12) copper, 13) brass, or 14) gold. The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

Requirement at page 4.

Applicants elect species 10) (*i.e.*, aluminum) and believes that claims 1-10, 12-27, 29-46, 48-64 read on the elected species. This election is made with partial traverse.

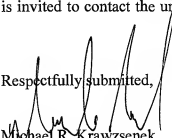
Applicant believes that aluminium, stainless steel, copper, brass, and gold are obvious variants of one another. Indeed, they are all electrically conductive metals.

Therefore, and with respect to aluminium, stainless steel, copper, brass, and gold, Applicant requests that this portion of the species election requirement be withdrawn. Applicant also requests that the species of "metals" be searched. Such a search does not present an undue burden on the Examiner.

E. Conclusion

Applicant requests that the Restriction and Species Election Requirements be withdrawn for at least the reasons discussed above. Should the Examiner have any questions, comments, or suggestions relating to this case, the Examiner is invited to contact the undersigned Applicants' representative at (512) 536-3020.

Respectfully submitted,


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